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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,765	10/16/2001	Alan J. Janicek	03DV09036	9909

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EXAMINER

EASTHOM, KARL D

ART UNIT PAPER NUMBER

2832

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/682,765	Applicant(s) JANICEK ET AL.	
	Examiner Karl D Easthom	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 11-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, “for receiving a female conductive connection on an electrically isolated plug,said plug having a female connection element” is not clear because it is not clear if the plug is required, if the female connection element is required, or if the female conductive connection element and the female connection element are the same or different elements. In claim 6, it is not clear how the “two sockets” relate to the claimed socket of claim, that is, it is not clear if one of the sockets are one of the sockets of claim 1 or at least two more. It is also not clear if two more plugs are required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7 and 10 rejected under 35 U.S.C. 102(b) as anticipated by Admitted Prior Art Figs. 1-2, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Admitted Prior Art Figs. 1-2 in view of Samejima et al. or Fukada. The admitted prior art discloses the claimed invention as noted in applicant's specification except the engaging member and female plug. However, any portion of the body 102 can be an engaging member such as for example the part holding capacitor 108. As to the female plug, it is not clear if the claim requires it or the connection element as noted above, but the socket of Fig. 110 could receive one or is adapted to receive a small one. As an alternative, Samejima discloses a female plug 3 with sheath 7 for making a good locking terminal connection, provided by an engagement member 13a, so that such a modification would have been obvious in order to lock the terminals to the device. For claim 2, the male and female parts are at Fig. 2 under capacitor 108. For claims 3-4, the flexible arm of Samejima 11a and locking tab 13a are obvious for reasons noted. Similar remarks apply to the Fukuda et al. flexible arm 21 and locking tab 21 with engagement member the hole 27 for example, where it also would have been obvious to substitute the connection member of Fukuda for ensuring locking. For claim 5, the isolation is complete with two holes 9 for example. For claim 7, The plate 322 at Fig. 10 is admitted prior art. For claim 10, the whole device 322 has been made by cutting so that a cutting edge meets the claim no matter what has been removed.

6. Claims 1-2 are rejected under 35 U.S.C. 102(b) as anticipated by Admitted Prior Art Figs. 1-2, or, in the alternative, are rejected under 35 U.S.C. 103(a) as obvious over Admitted Prior Art Figs. 1-2 in view of Malnati. The admitted prior art discloses the claimed invention as noted in above except the engaging member and female plug. However, any portion of the body 102 can

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be an engaging member such as for example the part holding capacitor 108. As to the female plug, it is not clear if the claim requires it or the connection element as noted above, but the socket of Fig. 110 could receive one or is adapted to receive a small one. As the alternative, Malnati discloses a female plug and sheath 19a with sheath 7 for making a good locking terminal connection to male plugs in 16, or similar plugs 8-9, of different sizes, rendering claim 6 obvious in order to lock the terminals to the device. For claim 2, the male and female parts are at Fig. 2 under capacitor 108.

7. Claim 6 is under 35 U.S.C. 103(a) as obvious over Admitted Prior Art Figs. 1-2 in view of Malnati. The admitted prior art discloses the claimed invention as noted in above except the plugs of different sizes. Malnati discloses a female plug and sheath 19a with sheath 7 for making a good locking terminal connection to male plugs in 16, and also discloses similar different sized plugs for making connection to different circuits, rendering claim 6 obvious in order to lock the terminals to the device.

8. Claims 8-9 are rejected under 35 U.S.C. 103(a) as obvious over Admitted Prior Art Figs. 1-2 in view of Samejima et al. or Fukada, further in view of Segler. The invention is as noted above except the welding and soldering. Segler discloses col. 1, lines 25-35 soldering or welding for attachment as known in the art so that it would have been obvious to attach any electric parts by the known method.

9. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fabricius in view of Fukada, further in view of admitted prior art. Fabricius discloses the claimed invention at Fig. 5 except the capacitor and plug with female terminals. Fukada discloses female plug 17 at Fig. 1A for connecting and locking to a male part (abstract) such as that of Fukada, so that it

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would have been obvious to ensure a locked connection where the Fabricius male terminal must be connected in order to work. In Fukada, any part of the socket 27 such as the bottom is the engagement member housing the male terminal, with PTC element inside. Applicant admits by way of discussion of Figs. 1-2 that the devices typical in the art frequently have a capacitor, and such would have been obvious where Fabricius is a typical prior art device.

10. Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection. Motivation or suggestion for combination is as noted.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D Easthom whose telephone number is (571) 272-1989.

The examiner can normally be reached on M-Th, 5:30AM-4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Karl D Easthom
Primary Examiner
Art Unit 2832

KDE